

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3507

TERMINATING AUTHORITY GRANTED AND ORDERS ISSUED IN PROCLAMATION NO. 3504

By the President of the United States of America
A Proclamation

I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes of the United States, do hereby proclaim that at 11 p.m., Greenwich Time, November 20, 1962, I terminated the authority conferred upon the Secretary of Defense by Proclamation No. 3504, dated October 23, 1962, and revoked the orders contained therein to forces under my command.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of November,
in the year of our Lord nineteen hundred and sixty-two
[SEAL] and of the Independence of the United States of America
the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-11737; Filed, Nov. 23, 1962; 1:52 p.m.]

Executive Order 11063

EQUAL OPPORTUNITY IN HOUSING

WHEREAS the granting of Federal assistance for the provision, rehabilitation, or operation of housing and related facilities from which Americans are excluded because of their race, color, creed, or national origin is unfair, unjust, and inconsistent with the public policy of the United States as manifested in its Constitution and laws; and

WHEREAS the Congress in the Housing Act of 1949 has declared that the general welfare and security of the Nation and the health and living standards of its people require the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family; and

WHEREAS discriminatory policies and practices based upon race, color, creed, or national origin now operate to deny many Americans the benefits of housing financed through Federal assistance and as a consequence prevent such assistance from providing them with an alternative to substandard, unsafe, unsanitary, and overcrowded housing; and

WHEREAS such discriminatory policies and practices result in segregated patterns of housing and necessarily produce other forms of discrimination and segregation which deprive many Americans of equal opportunity in the exercise of their unalienable rights to life, liberty, and the pursuit of happiness; and

WHEREAS the executive branch of the Government, in faithfully executing the laws of the United States which authorize Federal financial assistance, directly or indirectly, for the provision, rehabilitation, and operation of housing and related facilities, is charged with an obligation and duty to assure that those laws are fairly administered and that benefits thereunder are made available to all Americans without regard to their race, color, creed, or national origin:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and laws of the United States, it is ordered as follows:

PART I—PREVENTION OF DISCRIMINATION

SECTION 101. I hereby direct all departments and agencies in the executive branch of the Federal Government, insofar as their functions relate to the provision, rehabilitation, or operation of housing and related facilities, to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin—

(a) in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are—

(i) owned or operated by the Federal Government, or

(ii) provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government, or

(iii) provided in whole or in part by loans hereafter insured, guaranteed, or otherwise secured by the credit of the Federal Government, or

(iv) provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract hereafter entered into; and

(b) in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans hereafter insured or guaranteed by the Federal Government.

SEC. 102. I hereby direct the Housing and Home Finance Agency and all other executive departments and agencies to use their good offices and to take other appropriate action permitted by law, including the institution of appropriate litigation, if required, to promote the abandonment of discriminatory practices with respect to residential property and related facilities heretofore provided with Federal financial assistance of the types referred to in Section 101 (a) (ii), (iii), and (iv).

PART II—IMPLEMENTATION BY DEPARTMENTS AND AGENCIES

SEC. 201. Each executive department and agency subject to this order is directed to submit to the President's Committee on Equal Opportunity in Housing established pursuant to Part IV of this order (hereinafter sometimes referred to as the Committee), within thirty days from the date of this order, a report outlining all current programs administered by it which are affected by this order.

SEC. 202. Each such department and agency shall be primarily responsible for obtaining compliance with the purposes of this order as the order applies to programs administered by it; and is directed to cooperate with the Committee, to furnish it, in accordance with law, such information and assistance as it may request in the performance of its functions, and to report to it at such intervals as the Committee may require.

SEC. 203. Each such department and agency shall, within thirty days from the date of this order, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate the purposes of this order. Each such department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.

PART III—ENFORCEMENT

SEC. 301. The Committee, any subcommittee thereof, and any officer or employee designated by any executive department or agency subject to this order may hold such hearings, public or private, as the Committee, department, or agency may deem advisable for compliance, enforcement, or educational purposes.

SEC. 302. If any executive department or agency subject to this order concludes that any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) or any State or local public agency has violated any rule, regulation, or procedure issued or adopted pursuant to this order, or any non-discrimination provision included in any agreement or contract pursuant to any such rule, regulation, or procedure, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion unless similar efforts made by another Federal department or agency have been unsuccessful. In conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to Section 203 hereof, a department or agency may take such action as may be appropriate under its governing laws, including, but not limited to, the following:

It may—

(a) cancel or terminate in whole or in part any agreement or contract with such person, firm, or State or local public agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or fee;

(b) refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any nondiscrimination provisions included in any agreement or contract;

(c) refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given.

SEC. 303. In appropriate cases executive departments and agencies shall refer to the Attorney General violations of any rules, regulations, or procedures issued or adopted pursuant to this order, or violations of any nondiscrimination provisions included in any agreement or contract, for such civil or criminal action as he may deem appropriate. The Attorney General is authorized to furnish legal advice concerning this order to the Committee and to any department or agency requesting such advice.

SEC. 304. Any executive department or agency affected by this order may also invoke the sanctions provided in Section 302 where any person or firm, including a lender, has violated the rules, regulations, or procedures issued or adopted pursuant to this order, or the nondiscrimination provisions included in any agreement or contract, with respect to any program affected by this order administered by any other executive department or agency.

PART IV—ESTABLISHMENT OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

SEC. 401. There is hereby established the President's Committee on Equal Opportunity in Housing which shall be composed of the Secretary of the Treasury; the Secretary of Defense; the Attorney General; the Secretary of Agriculture; the Housing and Home Finance Administrator; the Administrator of Veterans Affairs; the Chairman of the Federal Home Loan Bank Board; a member of the staff of the Executive Office of the President to be assigned to the Committee by direction of the President, and such other members as the President shall from time to time appoint from the public. The member assigned by the President from the staff of the Executive Office shall serve as the Chairman and Executive Director of the Committee. Each department or agency head may designate an alternate to represent him in his absence.

SEC. 402. Each department or agency subject to this order shall, to the extent authorized by law (including § 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691)), furnish assistance to and defray the necessary expenses of the Committee.

PART V—POWERS AND DUTIES OF THE PRESIDENT'S COMMITTEE ON EQUAL OPPORTUNITY IN HOUSING

SEC. 501. The Committee shall meet upon the call of the Chairman and at such other times as may be provided by its rules. It shall: (a) adopt rules to govern its deliberations and activities; (b) recommend general policies and procedures to implement this order; (c) consider reports as to progress under this order; (d) consider any matters which may be presented to it by any of its members; and (e) make such reports to the President as he may require or the Committee shall deem appropriate. A report to the President shall be made at least once annually and shall include references to the actions taken and results achieved by departments and agencies subject to this order. The Committee may provide for the establishment of subcommittees whose members shall be appointed by the Chairman.

SEC. 502. (a) The Committee shall take such steps as it deems necessary and appropriate to promote the coordination of the activities of departments and agencies under this order. In so doing, the Committee shall consider the overall objectives of Federal legislation relating to housing and the right of every individual to participate without discrimination because of race, color, creed, or national origin in the ultimate benefits of the Federal programs subject to this order.

(b) The Committee may confer with representatives of any department or agency, State or local public agency, civic, industry, or labor group, or any other group directly or indirectly affected by this order; examine the relevant rules, regulations, procedures, policies, and practices of any department or agency subject to this order and make such recommendations as may be necessary or desirable to achieve the purposes of this order.

(c) The Committee shall encourage educational programs by civic, educational, religious, industry, labor, and other nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

SEC. 503. The Committee shall have an executive committee consisting of the Committee's Chairman and two other members designated by him from among the public members. The Chairman of the Committee shall also serve as Chairman of the Executive Committee. Between meetings of the Committee, the Executive Committee shall be primarily responsible for carrying out the functions of the Committee and may act for the Committee to the extent authorized by it.

PART VI—MISCELLANEOUS

SEC. 601. As used in this order, the term "departments and agencies" includes any wholly-owned or mixed-ownership Government corporation, and the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories of the United States.

SEC. 602. This order shall become effective immediately.

JOHN FITZGERALD KENNEDY

THE WHITE HOUSE,

November 20, 1962.

[F.R. Doc. 62-11689; Filed, Nov. 21, 1962; 1:20 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter IV—The President's Committee on Equal Employment Opportunity

PART 401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Time Limitation for Processing Complaints

Pursuant to Executive Order 10925 of March 6, 1961 (26 F.R. 1977), the President's Committee on Equal Employment Opportunity hereby amends Part 401 of Title 5 of the Code of Federal Regulations by amending § 401.3(d) to read as set forth below. This amendment becomes effective upon publication in the FEDERAL REGISTER.

§ 401.3 Duties of the head of department or agency.

(d) *Processing of complaints; time limitation.* Within 60 days from receipt of a complaint by the agency or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the agency shall process the complaint and submit to the Executive Vice Chairman the report on disposition of the complaint required by § 401.31. Where the complainant requests a hearing under the provisions of § 401.19, the report on the disposition of the complaint may be submitted to the Executive Vice Chairman within 90 days after the receipt thereof.

(E.O. 10925, Mar. 6, 1961, 26 F.R. 1977)

Signed at Washington, D.C., this 20th day of November 1962.

HOBART TAYLOR, JR.,
Executive Vice Chairman.

[F.R. Doc. 62-11704; Filed, Nov. 23, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture (P.P.C. 615)

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C.

161, 162), administrative instructions appearing as 7 CFR 301.78-2a are hereby amended to read as follows:

§ 301.78-2a Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.

Infestations of the Mediterranean fruit fly have been determined to exist in the parts of civil divisions listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such parts of civil divisions because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such parts of civil divisions are hereby designated as Mediterranean fruit fly regulated areas within the meaning of the provisions in this subpart:

FLORIDA

Broward County. That portion of the county bounded by a line beginning at the intersection of Powerline Road and Atlantic Boulevard and extending east along Atlantic Boulevard to its intersection with the shoreline of the Atlantic Ocean; thence southward along said shoreline to a point which would be intersected by a line projected east from Southeast 28th Street; thence west along said projected line, Southeast 28th Street, and Southwest 28th Street to its intersection with Southwest 9th Avenue; thence north along Southwest 9th Avenue; Northwest 9th Avenue, and Powerline Road to the point of beginning.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.78-2)

These administrative instructions shall become effective November 24, 1962, when they shall supersede P.P.C. 615, effective October 23, 1962 (7 CFR 301.78-2a).

This amendment adds to the regulated area a portion of Broward County, Florida, in which a specimen of the Mediterranean fruit fly was recently trapped. It also relieves restrictions by removing from the list of parts of civil divisions designated as Mediterranean fruit fly regulated area all parts of Palm Beach County, Florida, heretofore included in such list, it having been determined by the Director of the Plant Pest Control Division that adequate eradication measures have been practiced in said localities for a sufficient length of time to eradicate the Mediterranean fruit fly infestation therein and that regulation of such localities is not otherwise necessary under this subpart. Intensive survey and trapping activities have been carried on in the localities, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release them from regulation.

Insofar as the amendment relieves restrictions it should be made effective promptly in order to be of maximum ben-

efit to persons wishing to move regulated products from these localities. In addition, the amendment imposes restrictions supplementing Mediterranean fruit fly quarantine regulations already effective and must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of the November 1962.

[SEAL]

D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-11651; Filed, Nov. 23, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-EA-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways and Reporting Points

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to change the name of the Tower City, Pa., VORTAC to the Ravine, Pa., VORTAC. This action is taken to eliminate the confusion in name similarity between the Tower City and the Tyrone, Pa., reporting points.

Part 71 [New] was published in the FEDERAL REGISTER on October 24, 1962, as a part of the Agency's recodification program. This new part contains the regulatory material presently found in Parts 600 and 601 of the regulations of the Administrator and becomes effective on December 12, 1962 (27 F.R. 10352, 220-2).

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.